

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TONY COLLINS, NAIMATULLAH  
NYAZEE, and ANN MURRAY, for  
themselves and all others similarly situated,

Plaintiffs,

v.

NPC INTERNATIONAL, INC.,

Defendant.

Case No. 3:17-cv-00312

**NPC'S RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE  
TO AMEND AMENDED COMPLAINT (ECF#101)**

NPC responds to Plaintiffs' Motion for Leave as follows:

1. The present motion before the Court seeks relief solely to provide Plaintiffs' leave to file a First Amended Complaint (ECF 101).

2. Plaintiffs provided by separate transmission a copy of their proposed First Amended Complaint.

3. In review of that proposal, in sum, it appears Plaintiffs seek leave to a) replace currently named plaintiffs with others; and b) add several sub-classes as applicable to each substituted named-plaintiff.

4. The Court previously lifted the stay of this case and set a deadline for Plaintiffs to seek leave to file an amended complaint (ECF #98), to which the present motion relates.

5. In consideration of the standards in granting leave to amend under Rule 15 and the Court's prior Order setting forth a deadline for Plaintiffs to file an amended complaint, NPC does not oppose the filing of the proposed first amended complaint. This non-opposition is without prejudice to all arguments and defenses relating to the merits of all claims and allegations asserted in the proposed amended complaint (and related Motion and Memorandum

in Support). Plaintiffs have not sought any relief by this Motion other than leave to file the proposed amended complaint, and NPC therefore reserves its answer, arguments, and defenses to all other matters to the appropriate time(s).

Dated: August 28, 2019

Respectfully submitted.

SHOOK, HARDY & BACON L.L.P.

By: /s/ Mark C. Tatum  
Mark C. Tatum, MO Bar # 50082  
Katherine R. Sinatra, MO Bar # 51181  
2555 Grand Blvd.  
Kansas City, MO 64108  
TEL: 816.474.6550  
FAX: 816.421.5547  
[mtatum@shb.com](mailto:mtatum@shb.com)  
[ksinatra@shb.com](mailto:ksinatra@shb.com)

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that on August 28, 2019, I filed the foregoing document via the Court's CM/ECF system and a copy was served via the same on the following:

Jeremiah L. Frei-Pearson  
D. Greg Blankinship  
Meiselman, Packman, Nealon, Scialabba & Baker, PC  
Carton & Eberz, P.C.  
1311 Mamaroneck Avenue  
White Plains, NY 10605

C. Ryan Morgan  
Morgan & Morgan  
20 N. Orange Avenue, Suite 1600  
Orlando, FL 32801

ATTORNEYS FOR PLAINTIFFS

/s/ Mark C. Tatum  
Attorney for Defendant